

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**UNITED STATES OF AMERICA,**

**VS.**

**CRIMINAL ACTION NO. 2:07CR166-P-B**

**JOSEPH MEZIERE,**

**DEFENDANT.**

**ORDER CONTINUING TRIAL**

This matter comes before the court upon Defendant's second Motion for Continuance [20]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for February 11, 2008. Defense counsel requests a continuance to afford more time to meet with the defendant, complete inspection of discovery material, prepare any necessary pretrial motions, and to engage in plea negotiations. Furthermore, defense counsel avers that the defendant suffered a heart attack on January 30, 2008 and therefore needs additional time before being able to attend a trial.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from February 11, 2008 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

**IT IS THEREFORE ORDERED AND ADJUDGED** that:

(1) Defendant's Motion for Continuance [20] is **GRANTED**;

(2) Trial of this matter is continued until Monday, April 21, 2008 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from February 11, 2008 to April 21, 2008 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is March 31, 2008; and

(5) The deadline for submitting a plea agreement is April 7, 2008.

**SO ORDERED** this the 31<sup>st</sup> day of January, A.D., 2008.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE